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11/13/2023

**Memorandum Filed**

Memo for Fees.

**Filed By:** THOMAS G KEMPER

**On Behalf Of:** NICOLYNN LEMLEY

11/08/2023

**Notice**

NOTICE OF RETURN ITEM - STOP PAYMENT

11/02/2023

**Summons Issued-Circuit**

Document ID: 23-SMCC-9134, for LIVE NATION ENTERTAINMENT, INC. Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

**Judge Assigned**

DIV 1

**Filing Info Sheet eFiling**

**Filed By:** THOMAS G KEMPER

**Summ Req-Circuit Pers Serv**

Request for Summons.

**Filed By:** THOMAS G KEMPER

**On Behalf Of:** NICOLYNN LEMLEY

**Motion Special Process Server**

Motion and Order for Special Process Server.

**Filed By:** THOMAS G KEMPER

**On Behalf Of:** NICOLYNN LEMLEY

**Pet Filed in Circuit Ct**

Petition.

**Filed By:** THOMAS G KEMPER

**On Behalf Of:** NICOLYNN LEMLEY

EXHIBIT  
A

IN THE TWENTY-FIRST JUDICIAL CIRCUIT COURT  
COUNTY OF ST. LOUIS, STATE OF MISSOURI

NICOLYNN LEMLEY,	)	
1335 Webster Path Dr.	)	
St. Louis, MO 63119,	)	
	)	
Plaintiff,	)	
v.	)	Cause No.
	)	
LIVE NATION ENTERTAINMENT, INC,	)	
Serve: Registered Agent	)	
Corporate Creations Network, Inc.	)	
12947 Olive Blvd.	)	
St. Louis, MO 63141	)	
	)	
Defendant.	)	

**PETITION**  
**(Personal Injury – Other)**

COMES NOW Plaintiff, Nicolynn Lemley (hereinafter referred to as Nicole Lemley), by and through her attorney, Thomas G. Kemper, and for her cause of action against the Defendant, Live Nation Entertainment, Inc. (hereinafter referred to as Live Nation), states and alleges as follows:

1. That at all relevant times Defendant Live Nation was a duly licensed foreign corporation registered in the State of Delaware, doing business in the State of Missouri, County of St. Louis.
2. That at all relevant times, the Defendant was acting through its agents, servants and employees.
3. That on or about June 7, 2023, the Plaintiff, Nicole Lemley, was a business invitee to a Live Nation event located at or near 14141 Riverport Dr. in Maryland Heights, Missouri, also known as Hollywood Casino Amphitheater.

4. That the Plaintiff, parked in one of the adjacent lots designated as parking for Live Nation events northwest of said amphitheater.

5. That as the Plaintiff approached the amphitheater from said parking lot, she fell into a hole that was in the parking lot where it would be expected that patrons would normally walk, which fall caused serious and permanent damage to the Plaintiff.

6. That as a result of said fall Plaintiff suffered serious and permanent injuries.

7. That Defendant Live Nation, through its agents, servants and employees, was negligent and careless in one or more of the following respects:

- a. Carelessly and negligently failed to maintain a safe area in said parking lot;
- b. Carelessly and negligently left an exposed hole in the parking lot when Defendant knew or should have known that exposed hole posed a dangerous condition for individuals such as the Plaintiff;
- c. Carelessly and negligently failed to properly cover the hole in said parking lot;
- d. Carelessly and negligently failed to warn Plaintiff of the danger that existed as a result of the hole in said parking lot;
- e. Carelessly and negligently failed properly barricade said hole in the parking lot; and
- f. Defendant was otherwise careless and negligent.

8. That as a direct and proximate result of one or more of the foregoing negligent acts and/or omissions of the Defendant, Plaintiff, was caused to fall into an exposed hole in the parking lot which resulted in severe and permanent damage including a right tibial plateau fracture.

9. That as a direct and proximate result of the carelessness and negligence of the Defendant Spire, the Plaintiff was caused to incur medical bills for her care and treatment in the approximate amount of \$12,000.00 and will continue to incur medical expenses in the future, and in addition suffered lost wages in the approximate amount of \$32,000.00.

10. That as a direct result of the carelessness and negligence of the Defendant, Plaintiff lost the ability to enjoy life which is permanent and progressive in nature.

WHEREFORE, Plaintiff, Nicole Lemley, prays for judgment against the Defendant, Live Nation, for a sum in excess of the jurisdictional limit, together with her costs and for such further relief as the Court deems just and proper.

BUTLER & KEMPER,

/s/ Thomas G. Kemper  
Thomas G. Kemper, #35255  
Attorney for Plaintiff  
**Mailing Address:**  
**10639 Business 21**  
**Hillsboro, MO 63050**  
Phone: (636) 238-8875  
Fax: (636) 797-8025  
[Tom.Kemper@butlerkemperlaw.com](mailto:Tom.Kemper@butlerkemperlaw.com)

In the  
**CIRCUIT COURT**  
 Of St. Louis County, Missouri



For File Stamp Only

Nicolynn Lemley  
 Plaintiff/Petitioner

Date

Case Number

vs.

Live Nation Entertainment, Inc.  
 Defendant/Respondent

Division

### REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now Thomas Kemper, pursuant  
 Requesting Party

to Local Rule 28, and at his/her/its own risk requests the appointment of the Circuit Clerk of

Doug Shaw-Research Specialist Inc. PO Box 1002, Ballwin, MO 314-324-5351  
 Name of Process Server Address Telephone

Name of Process Server Address or in the Alternative Telephone

Name of Process Server Address or in the Alternative Telephone

Natural person(s) of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVE:  
Corporate Creations Network, Inc. RA of DF

Name  
12947 Olive Blvd.  
 Address  
St. Louis, MO 63141  
 City/State/Zip

SERVE:

Name  
 Address  
 City/State/Zip

Appointed as requested:  
**JOAN M. GILMER**, Circuit Clerk

By \_\_\_\_\_  
 Deputy Clerk

Date

SERVE:

Name  
 Address  
 City/State/Zip

SERVE:

Name  
 Address  
 City/State/Zip

TGH 16  
 Signature of Attorney/Plaintiff/Petitioner  
35255  
 Bar No.  
10639 Business 21, Hillsboro, MO 63050  
 Address  
(636) 238-8875 797-8025  
 Phone No. Fax No.

#### Local Rule 28. SPECIAL PROCESS SERVERS

(1) Any Judge may appoint a Special Process Server in writing in accordance with the law and at the risk and expense of the requesting party except no special process server shall be appointed to serve a garnishment [except as allowed by Missouri Supreme Court Rule 90.03(a)].

This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

(2) The Circuit Clerk may appoint a natural person other than the Sheriff to serve process in any cause in accordance with this subsection;

(A) Appointments may list more than one server as alternates.

(B) The appointment of a person other than the Sheriff to serve process shall be made at the risk and expense of the requesting party.

(C) Any person of lawful age, other than the Sheriff, appointed to serve process shall be a natural person and not a corporation or other business association.

(D) No person, other than the Sheriff, shall be appointed to serve any order, writ or other process which requires any levy, seizure, sequestration, garnishment, [except as allowed by Missouri Supreme Court Rule 90.03(a)], or other taking.

(E) Requests for appointment of a person other than the Sheriff to serve process shall be made on a "Request for Appointment of Process Server" electronic form, which may be found on the Court's Web Site,  
<https://stlcourtscourts.com/forms/associate-civil/request-process-server/>

(F) This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

#### SERVICE RETURN

Any service by the St. Louis County Sheriff's Office shall be scanned into the courts case management system. Any service by another Sheriff or a Special Process Server or any other person authorized to serve process shall return to the attorney or party who sought service and the attorney shall file the return electronically to the Circuit Clerk.



IN THE TWENTY-FIRST JUDICIAL CIRCUIT COURT  
COUNTY OF ST. LOUIS, STATE OF MISSOURI

NICOLYNN LEMLEY,	)	
1335 Webster Path Dr.	)	
St. Louis, MO 63119,	)	
	)	
Plaintiff,	)	
v.	)	Cause No.
	)	
LIVE NATION ENTERTAINMENT, INC,	)	
Serve: Registered Agent	)	
Corporate Creations Network, Inc.	)	
12947 Olive Blvd.	)	
St. Louis, MO 63141	)	
	)	
Defendant.	)	

**REQUEST FOR SUMMONS**

NOW comes Plaintiff, by and through his attorney and respectfully requests that a Summons to  
be issued on:

**Live Nation Entertainment, Inc.**  
**RA: Corporate Creations Network, Inc.**  
**12947 Olive Blvd.**  
**St. Louis, MO 63141**

/s/ Thomas G. Kemper  
Thomas G. Kemper, #35255  
Attorney for Plaintiff  
**10639 Business 21**  
**Hillsboro, MO 63050**  
Phone: (636) 238-8875  
Fax: (636) 797-8025  
[Tom.Kemper@butlerkemperlaw.com](mailto:Tom.Kemper@butlerkemperlaw.com)



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: BRIAN H MAY	Case Number: 23SL-CC04722	(Date File Stamp)
Plaintiff/Petitioner: NICOLYNN LEMLEY	Plaintiff's/Petitioner's Attorney/Address THOMAS G KEMPER 10639 BUSINESS 21 HILLSBORO, MO 63050	
Defendant/Respondent: LIVE NATION ENTERTAINMENT, INC.	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	
Nature of Suit: CC Pers Injury-Other		

## Summons in Civil Case

The State of Missouri to: LIVE NATION ENTERTAINMENT, INC.

Alias:

CORP CREATIONS NETWORK INC  
12947 OLIVE BLVD  
SAINT LOUIS, MO 63141

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

02-NOV-2023

Date

Further Information:  
AD

*Joan P. Delaney*  
Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.  
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

\_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees, if applicable

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Sheriff's Deputy Salary \_\_\_\_\_  
 Supplemental Surcharge \$ 10.00  
 Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
 Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE TWENTY-FIRST JUDICIAL CIRCUIT COURT  
COUNTY OF ST. LOUIS, STATE OF MISSOURI

NICOLYNN LEMLEY,	)	
	)	
Plaintiff,	)	
v.	)	Cause No. 23SL-CC04722
	)	
LIVE NATION ENTERTAINMENT, INC,	)	
	)	
Defendant.	)	

**Memorandum to Court**

COMES NOW Thomas G. Kemper and submits filing fees in the amount of \$106.00 for the above captioned case.

Respectfully Submitted,

/s/ Thomas G. Kemper

Thomas G. Kemper, #35255

**Butler & Kemper**

10639 Business 21

Hillsboro, MO 63050

P: (314) 277-9937

[tom.kemper@butlerkemperlaw.com](mailto:tom.kemper@butlerkemperlaw.com)